

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARGARET GEORGE, *et al.*,

Plaintiffs,

v.

7:05-CV-1482
(DNH/GHL)

GENERAL MOTORS CORPORATION and
ALCOA, INC.,

Defendants.

APPEARANCES:

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GEORGE H. LOWE, United States Magistrate Judge

REPORT AND RECOMMENDATION¹

The parties in this case have reached a proposed settlement. As part of the terms of that settlement, Plaintiffs move for an Order (1) establishing a Qualified Settlement Fund pursuant to Treas. Reg. Section 1.468B-1(c)(1); (2) appointing Karen D. Meyers as the Fund Administrator; (3) authorizing the Fund Administrator to pay the Fund's income taxes without further order of the Court; (4) completely extinguishing any alleged or actual civil liability of any Defendants participating in the Fund in accordance with the Settlement Agreement upon the Final Settlement Date; (5) authorizing the Fund Administrator, upon completion of her duties, to take appropriate steps to wind-down the Fund and then discharging the Fund Administrator from any further responsibility; (6) ordering that the Fund may be amended by Order of the Court as circumstance requires; and (7) ordering that the motion papers and exhibits filed in conjunction with this motion remain under seal. Defendants have reviewed Plaintiffs' moving papers and do not oppose the relief sought.

A review of the papers filed in conjunction with the motion shows that the proposed Qualified Settlement Fund is appropriate under Treas. Reg. Section 1.468B-1(c)(1). The parties to the proposed Settlement Agreement have approved the proposed orders regarding the Fund. Retaining the motion papers and exhibits under seal is appropriate. *United States v. Glens Falls Newspapers, Inc.*, 160 F.3d 853, 858 (2d Cir. 1998). **ACCORDINGLY**, it is

RECOMMENDED, that the Court issue the proposed order provided by Plaintiffs.

¹ This matter was referred to me for report and recommendation by the Honorable David N. Hurd, United States District Judge, pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.


FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE

APPELLATE REVIEW. *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993) (citing *Small v.*

Secretary of Health and Human Services, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1);

Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: June 17, 2008
Syracuse, New York


George H. Lowe
United States Magistrate Judge